IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

PHYLLIS DRUMMOND,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 07-58-***
	)	
PATRICK RYAN, Warden, and ATTORNEY GENERAL OF THE STATE OF DELAWARE,	)	
	)	
Respondents.	)	

FILED
FEB 12 2007
U.S. DISTRICT COURT
DISTRICT OF DELAWARE

ORDER

WHEREAS, the petitioner has filed a form petition seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254 and has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915; and

WHEREAS, petitioner's request to proceed *in forma pauperis* is granted; and

WHEREAS, the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), 28 U.S.C. § 2244, effectively precludes petitioners from filing a second or subsequent habeas petition except in the most unusual of circumstances; and

WHEREAS, the United States Court of Appeals for the Third Circuit has mandated that, before this court may rule on the merits of the petition, the petitioner must be given notice that the AEDPA applies to the pending petition. *See United*

States v. Miller, 197 F.3d 644 (3d Cir. 1999) and *Mason v. Meyers*, 208 F.3d 414 (3d Cir. 2000).

NOW, THEREFORE, IT IS ORDERED this 12 day of February, 2007, that, on or before March 15, 2007, the petitioner must file the attached election form with the court. Failure to timely return the completed election form will result in the court's ruling on the pending petition as filed.

Honorable Mary Pat Thynge
U.S. Magistrate Judge

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	)	
Respondents.	)	

AEDPA ELECTION FORM

1. ________ I wish the Court to rule on my § 2254 petition as currently pending. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this petition will be my one opportunity to seek federal habeas corpus relief.

2. ________ I wish to amend my § 2254 petition to include all the grounds I have. I will do so within thirty (30) days. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this amended all-inclusive petition will be my one opportunity to seek federal habeas corpus relief.

3. ________ I wish to withdraw my § 2254 petition without prejudice to file one all-inclusive petition in the future; that is, one that raises all the grounds I have for federal habeas corpus relief. I realize this all-inclusive petition must be filed within the one-year period as defined by 28 U.S.C. § 2244(d). *See Swartz v. Meyers*, 204 F.3d 417 (3d Cir. 2000).

4. ________ I am not seeking federal habeas corpus relief under § 2254. I am instead seeking relief under ________________________________.

____

Petitioner